

Christopher R. Harris  
Thomas J. Giblin  
**LATHAM & WATKINS LLP**  
1271 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864

*Attorneys for IOM Nominees*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Chapter 7 Estate of Bernard L.  
Madoff,

Plaintiff,

v.

ABN AMRO RETAINED NOMINEES (IOM)  
LIMITED, f/k/a ABN AMRO Fund Services  
(Isle of Man) Nominees, and f/k/a Fortis (Isle  
of Man) Nominees Limited, and PLATINUM  
ALL WEATHER FUND LIMITED,

Defendants.

Adv. Pro. No. 08-01789 (CGM)  
SIPA Liquidation  
(Substantively Consolidated)

Adv. Pro. No. 12-01697 (CGM)

**NOTICE OF JOINDER IN OBJECTING DEFENDANTS' OPPOSITION TO  
TRUSTEE'S MOTION FOR ORDER AMENDING ORDER APPOINTING A  
DISCOVERY ARBITRATOR PURSUANT TO BANKRUPTCY RULE 9019(c) AND  
GENERAL ORDER M-390**

Defendant ABN AMRO Retained Nominees (IOM) Limited, f/k/a ABN AMRO Fund Services (Isle of Man) Nominees Limited, and f/k/a Fortis (Isle of Man) Nominees Limited (“IOM Nominees”), hereby objects to the Motion for Order Amending Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390, filed in Adv. Pro. No. 08-01789 (CGM), ECF 23449, 23454 (“Trustee’s Motion”), by Irving H. Picard, as trustee for the liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff (“Trustee”), and joins in all aspects of the Opposition to the Trustee’s Motion, ECF No. 23516, filed by Objecting Defendants, except for ¶¶ 8, 19 (third sentence), 32-38 and the final sentence of the Conclusion paragraph.

IOM Nominees is a party to one of the adversary proceedings, referred to by the Trustee as the Subsequent Transfer Cases, in which a Case Management Plan has not yet been entered, and as such, the fallback position advocated by Objecting Defendants in their Opposition – that, at a minimum, the Court deny the Trustee’s Motion only with respect to adversary proceedings with previously entered Case Management Plans that (1) provide for mandatory discovery arbitration and (2) cite the existing Order Appointing Discovery Arbitrator – would not be adequate to protect the rights of the IOM Nominees, which are in all other relevant respects identically situated to Objecting Defendants.

Because the Trustee has failed to justify the modification to the Order Appointing Discovery Arbitrator he seeks, under either Rule 60(b)(5) or Rule 60(b)(6), the Trustee’s Motion should be denied in its entirety as to all defendants who are parties to the Subsequent Transfer cases.

Dated: September 6, 2023  
New York, New York

Respectfully submitted,

LATHAM & WATKINS LLP

By:

/s/ Christopher R. Harris

Christopher R. Harris  
Thomas J. Giblin  
1271 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864  
Email: christopher.harris@lw.com  
Email: thomas.giblin@lw.com

*Attorneys for IOM Nominees*